

Appln. No. 10/789,572

Attorney Doc set No. 10541-1929

II. Remarks

Reconsideration and re-examination of this application in view of the above amendments and the following remarks is herein respectfully requested. Claims 4-11, 13, and 15-26 remain pending.

Allowable Subject Matter

Applicant acknowledges the examiner's indication claims 10, 11, 23 and 24 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Accordingly, claims 10 and 23 have been rewritten in independent form including all the limitations of claim 1 and any intervening claims.

Claim Rejections - 35 U.S.C. § 112

Claims 8, 9, 21 and 22 were rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 8, 9, 21 and 22 have been amended to change "VhSpt" to "VhSpd" and consistently refer to "VhSpd" as the vehicle speed. Accordingly, applicants respectfully request withdrawal of the rejections under 35 U.S.C. § 112.



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Claim Rejections - 35 U.S.C. §102(e)

Claims 1, 13, 14, and 26 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent 6,547,031 to Magnus (Magnus).

Claims 1 and 14 have been cancelled and claims 13 and 26 now depend from claims 10 and 23 respectively. The examiner has indicated claims 10 and 23 include allowable subject matter, accordingly, applicants respectfully request withdrawal of the rejections under 35 U.S.C. §102.

Claim Rejections - 35 U.S.C. §103(a)

Claims 1 and 14 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. 6,547,031 to Magnus (Magnus) in view of U.S. 6,659,218 to Thomas et al. (Thomas).

Claims 1 and 14 have been cancelled.

Claims 2-9 and 15-22 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. 6,547,031 to Magnus (Magnus) in view of U.S. 4,941,097 to Karnopp et al. (Karnopp) or in the alternative over the modified Magnus in view of Thomas, as applied to claim 1 above, and further in view of Karnopp.

Per the examiners argument, Magnus and Thomas together or alone do not teach or suggest that the controller determines an understeer condition exists when the magnitude of the desired yaw rate is greater than the measured yaw rate by the first threshold value for a time period and the magnitude of the desired lateral acceleration is greater than the measured lateral acceleration by a second threshold for the time period (claim 4). Further, neither Magnus nor

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Thomas teach or suggest that an oversteer condition exists when the magnitude of the desired yaw rate is less than the measured yaw rate by a first threshold value for a time period and the magnitude of the desired lateral acceleration is less than the measured lateral acceleration by a second threshold for a time period (claim 5).

Rather, the examiner contends that Karnopp teaches the above limitations. However, Karnopp recites specifically "When $\Theta_a = \Theta_d$ no steering adjustment is necessary; when $\Theta_a < \Theta_d$, an understeer condition exists, requiring that the amount of tire angle be increased; and when $\Theta_a > \Theta_d$ an oversteer condition exists requiring that the amount of tire angle be decreased." Karnopp does not teach or suggest either (1) that both the desired yaw rate and desired acceleration are above or below the measured yaw rate and measured lateral acceleration to determine that an understeer or oversteer condition exists, or (2) that a first threshold is applied to the comparison between the desired yaw rate and the measured yaw rate and that a second threshold is applied to the comparison of the desired lateral acceleration to the measured lateral acceleration. Therefore, Karnopp does not teach or suggest the present invention as provided in claim 4, 7, 17, and 20.

Claims 5, 6, 8, and 13 depend directly or indirectly from claim 10 and are, therefore, patentable for at least the reasons given above in support of claim 10. Claims 15-22 and 24-26 depend from claim 23 and are, therefore, patentable for at least the reasons given above in support of claim 23.

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Claims 12 and 25 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. 6,547,031 to Magnus (Magnus) in view of U.S. 6,292,094 to Deng et al. (Deng), or in the alternative over the modified Magnus in view of Thomas, as applied to claim 1 above, and further in view of Deng.

Claim 12 has been cancelled. Claim 25 now depends from claim 23 and is, therefore, patentable as the examiner has indicated claim 23 includes allowable subject matter.

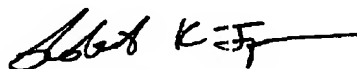
Accordingly, applicants respectfully request withdrawal of the rejections under 35 U.S.C. §103.

Conclusion

In view of the above amendments and remarks, it is respectfully submitted that the present form of the claims are patentably distinguishable over the art of record and that this application is now in condition for allowance. Such action is respectfully requested.

Respectfully submitted by,

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